

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Stephen A. Dillman

v.

Civil No. 04-cv-482-JM

Town of Hooksett

O R D E R

The court proposes to certify the following question of law to the New Hampshire Supreme Court:

Whether, under New Hampshire law an individual public sector union member may be assigned his union's right under N.H. RSA 542:8 to seek a correction or a modification of an arbitration award entered in an arbitration conducted pursuant to an agreement between the member's union and his employer.

See generally N.H. Supr. Ct. R. 34. If any party objects to the form of the question the court proposes to certify, a written objection, along with suggested alternative language, shall be filed on or before July 25, 2005.

The court proposes to submit to the Supreme Court, as its statement of facts, the facts as presented in the attached proposed ORDER OF CERTIFICATION. If any party objects or wishes the court to supplement that statement of facts, that party shall submit an objection and/or proposed statement of supplemental

facts by the same date. The parties should, of course, bear in mind that because defendants' pending motion is one to dismiss, the court must assume all properly alleged facts in plaintiff's verified complaint to be true.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: June 23, 2005

cc: Warren D. Atlas, Esq.
Thomas B. Merritt, Esq.
Richard C. Mooney, Esq.